

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police Department – Hyderabad – Disciplinary action against Sri Md. Shareef PC No. 454 (Retd), Hyderabad City – Dropped – Orders – Issued.

HOME (SER.II) DEPARTMENT

G.O.Ms.No. 254

dated:14-5-2009

Read the following:

1. From the DGP, AP, Hyderabad Rc.No.1569/Appeal–2/2007, dated: 23-11-07
2. Govt.Memo.No.36418/Ser.II/A3/2007 , dated: 7- 5-2007
3. From the DGP, AP, Hyderabad Rc.No.1569/Appeal –2/2007,dated: 1-10-2008
4. Concurrence of the CEO & EO Principal Secretary to Government, GA (Elections) Department, dated: 8-5-2009

ORDER:

In the letter 1st read above, the Director General of Police, Andhra Pradesh, Hyderabad, has stated that Sri Shaik Ibrahim, PC No. 400, and Sri Md. Shareef, PC No. 454 (Retd) of CAR Hqrs, Hyderabad, were dealt with an Inquiry for the following delinquency:

“Gross irresponsible attitude and dereliction of duty while performing stay guard duty at ENT Hospital, Hyderabad which resulted in escape of a convict prisoner on the intervening night of 9/10-11-94”

2. The Director General of Police, Andhra Pradesh, Hyderabad, has further reported that one of the delinquents, Sri Shaik Ibrahim, PC No. 400, has filed OA No. 3638 /05 challenging the OE. The Hon’ble Tribunal, Hyderabad, in its judgment dated 25-4-2007 in OA No. 3638 /05, has set aside the OE., on the ground that the balance of convenience weighs in favour of the applicant as the delay in concluding the proceedings prejudiced the applicant and the action of official respondents initiating the disciplinary proceedings after lapse of 11 years is illegal and arbitrary. Therefore, the Commissioner of Police, Hyderabad, have issued orders setting aside the disciplinary proceedings (O.E.) against Sri Shaik Ibrahim, PC 400, and further action is dropped in this case, vide proceedings No. L&O/B3/371/1992 (DO.No.2666), dated: 8-10-2007.

3. The Director General of Police, Andhra Pradesh, Hyderabad, has further stated, meanwhile another delinquent Sri Mohd. Shareef, Police Constable 454 of C.A.R, Hyderabad, has retired from service on 31-3-2006, on attaining the age of superannuation, and as such Government is competent to take a decision in respect of the retired employee in terms of Rule (9) (2) (a) of APRPRs 1980.

4. In the letter 3rd read above, the Director General of Police, Andhra Pradesh, Hyderabad, has stated that the GP for Services-1, High Court of AP, Hyderabad, has informed that filing of writ petition at this stage against the orders made in OA No. 3638/2005 filed by Sri Shaik Ibrahim, PC 400, that too after the same has been

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implemented, is unwarranted and opined that it is not a fit case for filing writ petition. Further the disciplinary proceedings against Sri. Mohd Shareef, PC 454, and Sri Shaik Ibrahim, PC 400, are common and when once the disciplinary proceedings were quashed in respect of Sri Shaik Ibrahim on the ground of laches, the same principle applies in the case of Sri Mohd Shareef PC 454 also.

5. Government after careful examination of the entire matter with the material available, hereby drop disciplinary action against Sri Md. Shareef , PC No. 454 (Retd), Hyderabad City, for the charge as at para (1) above, as action against the co – delinquent has already been dropped as per the orders of the Hon’ble APAT, dated 25-4-2007, in OA.No. 3638/05. The period of suspension from 10-11-1994 to 25-2-1995, shall be treated as ‘on duty’

6. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to take necessary action accordingly. The records received in the reference 3rd read above are returned herewith, the receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director General of Police, Andhra Pradesh, Hyderabad (with records)
The Individual concerned (through DGP, AP, Hyderabad)
SF/SC

//Forwarded :: By order//

SECTION OFFICER